

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SENDMAIL, INC., a Delaware  
corporation,

Plaintiff and Counter  
-Defendant,

v.

TUMBLEWEED COMMUNICATIONS  
CORP., a Delaware corporation,

Defendant and Counter  
-Claimant.

Case No. 3:08-cv-05542 JCS

The Honorable Joseph C. Spero

**STIPULATION OF DISMISSAL BETWEEN PLAINTIFF AND DEFENDANT**

WHEREAS, Plaintiff/Counter Defendant Sendmail, Inc. ("Sendmail") and Defendant/Counterclaimant Tumbleweed Communications Corp. ("Tumbleweed") have entered into a Settlement Agreement effective as of September 3, 2009.

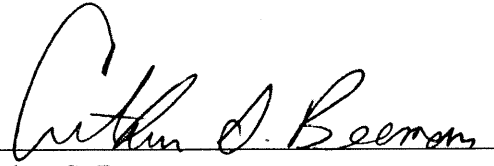
NOW, THEREFORE, pursuant to the settlement agreement of the parties, Tumbleweed and Sendmail stipulate, subject to approval of the Court, that:

4. Sendmail's complaint against Tumbleweed is dismissed in its entirety with prejudice.
5. Tumbleweed's counterclaims against Sendmail in their entirety are dismissed with prejudice.
6. Each party shall bear its own attorney's fees, expenses and costs.

STIPULATED AND AGREED TO:



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So ORDERED and SIGNED this 14th day of September, 2009.

